

Received Date:	7 August 2025
Expires:	2 October 2025
Application Number:	251886
Site:	18 Tangley Drive, Wokingham, RG41 2NY
Application:	Application for a certificate of lawfulness for the proposed use of the land to site a mobile home for ancillary use to the main dwellinghouse.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
251885	Householder application for the proposed erection of an annexe for ancillary use to the main dwelling.	03/09/2025	Application Withdrawn	NA
102522	Proposed erection of a flat roof garage to side of dwelling.	24/09/2010	Approved	None
041090	Proposed two storey and single storey side extensions to dwelling.	07/04/2004	Approved	None
TP 128	Erection of 70 houses.	21/09/1949	Approved	Unknown

2. Site Description

The application site relates to a two-storey semi-detached property located on the eastern side of Tangley Road, Wokingham. The surrounding area is characterised by semi-detached properties that are similar in design and appearance.

3. Land/ Property Designations

- There are no listed buildings at the site and the property is not within 'Article 2(3) land' (Town and Country Planning (General Permitted Development) Order 2015).
- The site is located in an area suitable for bat roosts.

4. Legislation

Town and Country Planning Act 1990 (as amended)

- s.55 Provides that '*development*' includes the carrying out of building operations on land, and '*building operations*' includes structural alterations or additions to buildings.
- s.57 Planning permission is needed for all development of land.
- s.187a Enforcement for breach of conditions
- s.192 Applications for Certificates of Lawfulness of proposed use or development.
- s.191 Defines operations as 'lawful' if:
- (a) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
- (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.

Town and Country Planning (General Permitted Development) Order 2015 (GPDO)

- Article 3 In conjunction with Schedule 2 (Part 1) (Class A) grants planning permission for the "*enlargement, improvement or other alteration of a dwellinghouse*".
- Article 4 Provides that the planning authority may give direction to restrict the effect of Article 3.

5. The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

6. Relevant details of the proposal:

The application seeks a Certificate of lawfulness for the proposed siting of a mobile home for use ancillary to the main dwelling at the site. According to the supporting planning statement, the primary use of the mobile home is to provide living space for the applicant's elderly parents. The intention is for the applicant to support and care for their parents whilst retaining a functional relationship with the host dwelling.

7. Assessment against legislation:

The application needs to be assessed against planning legislation to determine whether the proposed mobile home would amount to operational development or constitute a material change of use. As with any Certificate of Lawfulness application, the burden of proof is on the applicant, and the Local Planning Authority is required to test the evidence on the balance of probability.

Section 55 of the Act stipulates "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of the Act "building operations" includes demolition of buildings, rebuilding, structural alterations or additions to buildings and other operations normally undertaken by a person carrying on business as a builder (s55(1A) of the Act).

Section 55(2)(d) of the Act states that "the use of any building or other land within the curtilage of a dwellinghouse for the purpose incidental to the enjoyment of the dwelling house as such shall not be taken to involve development".

Section 336 of the Act defines a building as any structure or erection and any part of a building as so defined but does not include plant or machinery comprised in a building.

Case law has identified three primary factors that should be considered in determining what constitutes a building. These are:

- Size
- Permanence
- Physical attachment to the ground

Each case needs to be considered on its own merits when determining whether or not a structure is a building, and the relevant conclusion will be reached following consideration of the facts of the specific circumstances of the case.

The current proposal has been assessed against the following parameters:

- Does the proposal comprise operational development?
- Does the proposal give rise to material change of use of the concerned land?
- Does the proposal fall within the statutory definition of caravan?

Operational Development:

It is possible for a caravan/ mobile home to be considered as a building and fall within the definition of s336 of the Town and Country Planning Act. It is therefore necessary to consider if the proposed mobile home for this application will fall within the definition of a building, following consideration of the three factors outlined above because this will determine whether planning permission is required for the proposal or if the certificate could be granted in line with the application. This will also determine if the proposal would amount to operational development.

- **Size:**
With regards to size, plans and information on page 5 of the Planning Statement (NAPC, July 2025) have been submitted providing details of this nature. The dimensions are listed below:

Height – 3m (floor to ceiling height)
Length – 9.05m
Width – 6.05m

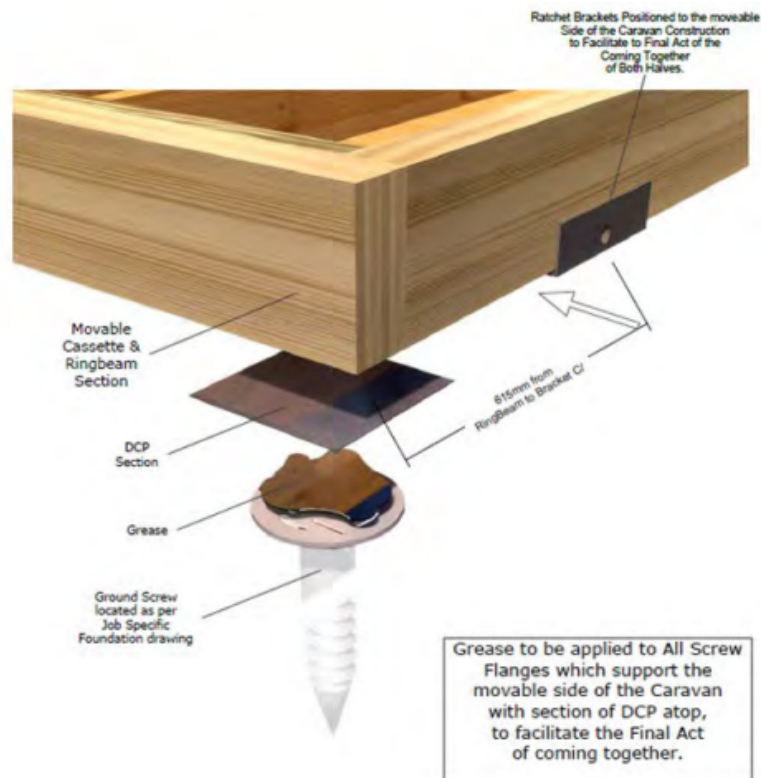
This size falls within the legal limits of a twin-unit caravan dimensions as provided by the Caravan Sites and Control of Development Act 1968 (amended).

- **Permanence:**
Erection of a building or structure normally denotes the making of a physical change of some permanence. In *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions (No.2) [2000] 2 P.L.R. 102* the Court of Appeal upheld an inspector's decision that a marquee erected on a hotel lawn each year for a period of eight months was, due to its dimensions, its permanent character and the secure nature of its anchorage, to be regarded as a building for planning purposes. The annual removal of the marquee did not deprive it of the quality of permanence. Also, permanence was thought to not necessarily mean to continue indefinitely.

With regards to the current application, the supporting information claims that the mobile home will be used by the applicant's parents and will allow the applicant to support and care for the parents during their later stage of life without reliance on outside support. No specific amount of time has been stated regarding the length of time the structure will be stationed; however, it does not appear to be the intention to move the mobile home in the near future. The proposed mobile home therefore appears to have an element of permanence because following the case of *Skerritts*, "permanence" does not necessarily mean indefinitely. However, due its size and lack of physical connection to the ground, the mobile home would not amount to a building or structure and would not constitute operational development for the purposes of s.55 of the Act.

- **Physical attachment to the ground:**

The proposal is for the stationing of a mobile home within the curtilage ancillary to the main residential use of the site, and as per the supporting statement. Page 6 of the supporting Planning Statement states that the mobile home will be placed on a screw pile foundation system, rather than fixed to the ground. *'The caravan will rest on these foundations under its own weight... This ensures a minimum ground clearance of 0.15m, allowing for the use of lifting straps/rigging to be positioned under the structure. As such, the caravan can be lifted by crane and placed on to a flatbed lorry'*. A follow-up email from the agent (26/09/2025) confirmed that the mobile home will rest upon the ground screws.



Ground Screw Illustration

Figure 1: Ground screw base (page 6 of submitted Planning Statement)

From the above, it is concluded that the proposed siting of a mobile home is for a 'use' of land rather than for an operational development, since there would be no physical connection to the land and the mobile home could be moved, and as such would be lawful.

Material Change of use:

Section 55(2) (d) of the TCPA 1990 sets out operations and uses of land which shall not be taken for the purposes of the Act to involve development of the land. One such use is the use of any building or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. In order to consider this exclusion, it is necessary to establish the planning unit and its primary use.

In this case, 2004 Planning Permission 041090 establishes the extent of the residential curtilage by virtue of the permission granted on 07/04/2004. This is also supported by

the council's historic mapping system. The site has been used as part of an established C3 residential dwellinghouse and the red line plan provided with the current application matches with the established residential curtilage of the main dwelling. The proposed location of the mobile home would be within the residential curtilage of the existing main dwellinghouse and as such would not amount to material change of use of the concerned land.

Definition of caravan:

Section 13 of the Caravan Sites Act 1968 (as amended) establishes the maximum size of twin-unit caravans and how they should be composed, constructed and designed. It is considered that the applicant has satisfactorily demonstrated that the proposed mobile home accords with the legal definitions of caravans in terms of proposed dimensions and functions.

Lastly the caravan, or mobile home, as required by Section 55(d) of the 1990 Act, must be for a purpose incidental to the enjoyment of the dwellinghouse. There is no definition in planning legislation of the term incidental. However numerous planning appeals and case law have taken the dictionary definition of incidental that defines incidental as a minor or subordinate nature which is not as important as the main 'thing' to which it is being put/compared to. As such, the proposed structure should therefore be a minor or subordinate structure to the main dwelling which is not as important as the main dwellinghouse.

Therefore, an assessment must be made as to whether the proposed use of the mobile home unit is for purposes "incidental" to the dwellinghouse. If not, then this would result in a material change of use of the land which would require planning permission.

The main dwellinghouse, 18 Tangle Drive, is a two-storey property, and its primary use will remain as a residential dwellinghouse even after the mobile home is sited in the rear garden. The mobile home is intended to provide additional living accommodation for the applicant's parents, specifically to facilitate care and support for the family members.

It is mentioned in the supporting document that the mobile unit will not be physically separated from the amenity space of the main dwellinghouse and there would be no separate postal address, post box, utility meters or parking. The occupants of the mobile home will share recreational facilities, and it can only be accessed by passing through the main house. It is described that the occupants will share facilities, such as laundry with the extended family in the main dwellinghouse.

It is acknowledged that the facilities provided within the mobile home include a one-bedroom, bathroom, and kitchen/living/dining area. The key consideration in assessing this application is the proposed use of the mobile home, which, based on the submitted details, is intended to be ancillary to the main residential use of the property. As such, the use of the mobile home must remain subordinate to the main dwelling and not function as an independent residential unit.

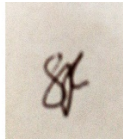
Notwithstanding the above, if the mobile home is not used in association with the dwelling, as described in the supporting statement, and the functional link is severed, then it would not benefit from the LDC.

8. Conclusion:

Based on the information submitted, it is considered that, on the balance of probability, the proposed mobile home would fall within the definition and size restrictions for a caravan and as there is no proposed physical connection to the ground, it would not amount to operational development. Furthermore, it is considered that the use of the mobile home would remain 'incidental' to the residential use of the main two storey house on the site and will not amount to a material change of use of the concerned land.

This Lawful Development Certificate is recommended for **approval**.

DRAFT APPROVED

A small, square, light-colored stamp or piece of paper with a handwritten signature in dark ink. The signature appears to be 'SF' or similar initials.

Development Management Team Leader

Date: 29.9.25